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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

ROBERT SHEREZ,)	CIVIL NO. 04-00390 JMS-KSC
)	
Plaintiff,)	
)	
vs.	)	DECLARATION OF COUNSEL
	)	IN OPPOSITION TO THE
	)	DEFENDANTS' MOTION FOR
STATE OF HAWAII DEPARTMENT	)	SUMMARY JUDGEMENT;
OF EDUCATION; PATRICIA	)	Exhibit "5";
HAMAMOTO, Superintendent of Hawaii	)	Certificate of Service
Schools, MEREDETH MAEDA, Principal,)	
Castle High School; SARA GRONNER OR	)	Hearing: Feb. 12, 2007
GRONNA, Vice Principal of Castle High	)	Time: 9:00 Am
School.	)	Judge: J. Michael Seabright
)	
Defendants.)	
_____	)	Trial Date: March 28, 2007

DECLARATION OF ANDRE WOOTEN IN OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGEMENT

STATE OF HAWAII)
)SS
CITY AND COUNTY OF HONOLULU,)

ROBERT SHEREZ, being first duly sworn upon oath and upon
penalty of perjury deposes that:

1. Declarant is the attorney of record for the Plaintiff
Robert Sherez in the above-entitled matter.

2. That over the course of the two years this case has

been active, Mr. Sherez has confided to me numerous documents, and we have acquired an exploding number of documents in other cases, which seem to have gotten more document intensive in recent years.

3. Hence, when preparing Mr. Sherez memorandum in Opposition, I was unable to immediately locate this Declaration because of a great volume of paper work.

4. However, the Declaration of Dagmar Sukuki, is very relevant to material facts in this case, the timing of the the reasons for the termination of Mr. Sherez from teaching the day time GED class at McKinley school for adults, for Mr. Suzuki "swears he heard the McKinley school for adults registrar, Mr. Won tell Mr. Sherez the he was fired from teaching the GED class there because of a sexual lawsuit." See exhibit "5", a true and accurate copy of Mr. Suzuki's Declaration.

4. That Plaintiff requests that the court consider this relevant document, concerning his termination from teaching in the McKinley school for adults, where Mr. Sherez had taught with some success for years and his class was quite popular due to his success at having a higher rate of his students pass the GED than the other GED teacher who was the night class teacher. And as Mr. Won the registrar wrote in Exhibit 3, students were still signing up for Mr. Sherez class which had to be moved into a larger room when he was fired.

5. This document is presented to the court for it's

consideration under Rules 8, 12 and 56 (f) of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiff requests that the court consider this document and deny the State's motion for Summary Judgment for good cause stated above and presented in the record.

Dated: Honolulu, Hawaii, January 26, 2007.

FURTHER DECLARANT SAYETH NAUGHT.

/S/ Andre' S. Wooten
ANDRE'S. WOOTEN
ATTORNEY FOR PLAINTIFF
ROBERT SHEREZ